

**STATE OF RHODE ISLAND**  
**BEFORE THE RHODE ISLAND ETHICS COMMISSION**

**In re: Johanna Harris,  
Respondent**

**Complaint No. 2014-9**

**ORDER**

This matter having been heard before the Rhode Island Ethics Commission on July 21, 2015, pursuant to Commission Regulation 1011, and the Commission having considered the Complaint herein, the arguments of the parties, and the proposed Information Resolution and Settlement, which is incorporated by reference herein, it is hereby

**ORDERED, ADJUDGED AND DECREED**

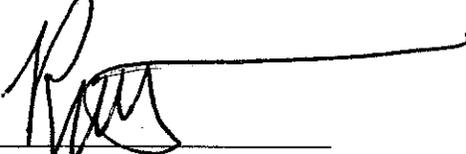
THAT, the Commission approves the Informal Resolution and Settlement as submitted;

THAT, the Commission incorporates by reference herein the Findings of Fact and Admissions, and the Conclusions of Law, set forth in the Informal Resolution and Settlement;

THAT, the Respondent agrees that she will not enter into any contract with a state or municipal agency in Rhode Island for the duration of her tenure as a member of the Board of Licenses, unless the contract is awarded in a manner that comports with the requirements of § 36-14-5(h); and

THAT, the Respondent did not engage in a knowing and willful violation of the Code of Ethics, and the Complaint is hereby dismissed.

ENTERED as an Order of this Commission,

  
\_\_\_\_\_  
Chairperson

Dated: July 21, 2015

**STATE OF RHODE ISLAND**  
**BEFORE THE RHODE ISLAND ETHICS COMMISSION**

**In re: Johanna Harris,  
Respondent**

**Complaint No. 2014-9**

**INFORMAL RESOLUTION AND SETTLEMENT**

The Respondent, Johanna Harris, and the Rhode Island Ethics Commission (“Commission”) hereby agree to a resolution of the above-referenced matter as follows:

**I. FINDINGS OF FACT & ADMISSIONS**

1. The Respondent is a member of the Providence Board of Licenses (“Board of Licenses”), having been appointed thereto in February 2014.

2. By letter dated January 10, 2014, Mayor Angel Tavares recommended to the Providence City Council (“City Council”) the appointment of the Respondent to the Board of Licenses. The City Council approved said appointment on February 6, 2014.

3. In her private capacity, the Respondent is the CEO of Hire Fire and Retire, LLC, a limited liability company based out of Providence, which is in the business of providing human resources and employee relations consulting.

4. The Respondent is a retired Massachusetts attorney with a specialization in labor law and employee relations. The Respondent never practiced law in Rhode Island.

5. During April and May 2013, prior to the Respondent’s appointment to the Board of Licenses, a personnel matter arose within the City of Providence (“City”) involving an employee in a senior management position. The City had attempted to use progressive discipline and implement remedial action in response to six (6) complaints received regarding the senior employee’s conduct. Despite these efforts, a seventh (7<sup>th</sup>) complaint had been made against the

same senior employee in March 2014.

6. As part of the City's internal disciplinary action, the senior employee was required to participate in formal management training.

7. On or about March 24, 2014, Sybil Bailey, Human Resources Director for the City, contacted Gonzalo Cuervo, Deputy Chief of Staff to Mayor Tavares, to find out if he knew of someone who could provide training sessions for the senior employee. Having recently recommended the Respondent to the Mayor for appointment to the Board of Licenses, Mr. Cuervo was familiar with the Respondent's background in executive training and advised Ms. Bailey of the Respondent's credentials.

8. On or about March 24, 2014, Ms. Bailey contacted the Respondent requesting a proposal for employee training.

9. On March 26, 2014, the Respondent submitted an email proposal to Ms. Bailey for employee training services setting forth the terms and cost.

10. Ms. Bailey emailed the Respondent later on March 26, 2014, accepting the Respondent's proposal.

11. Following completion of her coaching services, the Respondent submitted an invoice to the City on May 1, 2014, totaling \$3,400 and containing payment instructions.

12. In August 2014, the City tendered payment to the Respondent in full for her provision of training services.

13. The City did not issue a Request for Proposal/Quote ("RFP") for employee training services nor did the Respondent respond to an RFP. The agreement between the Respondent and the City to provide employee training services was not publicly announced or disclosed at any time.

14. The Respondent maintains that, based on her communications with the City, it was her understanding that this was a contract for emergency professional services for less than \$5,000 and, therefore, not subject to open bidding requirements.

15. On her 2013 Financial Disclosure Statement, which she filed on October 30, 2014, the Respondent voluntarily disclosed the details of her contract with the City, although said disclosure was not required on the 2013 Financial Disclosure Statement. The Respondent also disclosed said contract on her 2014 Financial Disclosure Statement.<sup>1</sup>

## II. CONCLUSIONS OF LAW

1. As a municipal appointed official, the Respondent was, at all relevant times, subject to the Rhode Island Code of Ethics in Government (“Code of Ethics”), pursuant to Rhode General Laws § 36-14-4(2).

2. Rhode Island General Laws § 36-14-5(h) prohibits persons subject to the Code of Ethics from entering into a contract with any state or municipal agency unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all contracts awarded.

3. The Respondent’s contract with the City did not comply with the requirements of § 36-14-5(h).

4. Based on the totality of the circumstances as set forth herein, the Ethics Commission concludes that the Respondent’s conduct of entering into a contract with the City did not constitute a knowing and willful violation of § 36-14-5(h).

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<sup>1</sup> The Ethics Commission became aware of the Respondent’s appointment to the Board of Licenses upon the filing of the instant Complaint on August 25, 2014. In response, the Commission forwarded the Financial Disclosure Statement for calendar year 2013 to the Respondent.

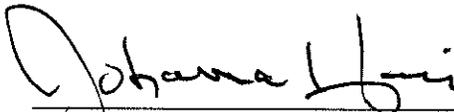
### III. SETTLEMENT

Pursuant to the above Findings of Fact and Conclusions of Law, the parties hereby agree, subject to the approval of the Commission, to the following, pursuant to Rhode Island General Laws § 36-14-13(d) and Commission Regulation 1011:

1. The Respondent agrees that she will not enter into any contract with a state or municipal agency in Rhode Island for the duration of her tenure as a member of the Board of Licenses, unless the contract is awarded in a manner that comports with the requirements of § 36-14-5(h).
2. The Commission will dismiss this Complaint upon a finding that there was not a knowing and willful violation of the Code of Ethics.
3. The above terms represent the full and complete Informal Resolution and Settlement for Complaint No. 2014-9.

  
Teresa Giusti, Esq. (Bar #8006)  
Rhode Island Ethics Commission  
40 Fountain Street, 8<sup>th</sup> Floor  
Providence, Rhode Island 02903  
(401) 222-3790

Dated: July 15, 2015

  
Johanna Harris  
Respondent  
Dated: July 15, 2015